

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FARE TECHNOLOGIES, LLC,
Plaintiff,

v.

UBER TECHNOLOGIES, INC. d/b/a UBER,
Defendant.

Civil Action No. 6:22-cv-00317-ADA

**DECLARATION OF THOMAS NIEMANTS IN SUPPORT OF
UBER'S MOTION TO DISMISS FOR IMPROPER VENUE**

I, Thomas Niemants, declare and state as follows:

1. I am an employee of Uber Technologies, Inc. ("Uber"). I have been employed by Uber since August 2016.
2. At Uber, my title is Senior Portfolio Manager. I am responsible for the management of Uber's real estate holdings, leases, and relationships in the United States and Canada.
3. I am based in Uber's Chicago office.
4. I submit this Declaration in support of Uber's Motion to Dismiss For Improper Venue.

The facts set forth herein are true and correct to the best of my knowledge, and, unless otherwise indicated below, are based on my personal knowledge, my review of Uber's records, and discussions with other Uber employees. If called upon to testify as a witness, I would competently testify as to the contents of this Declaration.

Fare Technologies' Complaint

5. I understand that, on March 25, 2022 ("Complaint Date"), Fare Technologies, LLC ("Fare Technologies") filed a patent infringement action against Uber in the District Court for the Western District of Texas.
6. I have reviewed the map and counties listed at the following webpage:
<https://www.usmarshals.gov/district/tx-w/general/area.htm>. I understand that, among other things, this webpage shows the geographic area that constitutes the Western District of Texas. Exhibit 1 to this Declaration is a copy of the website.

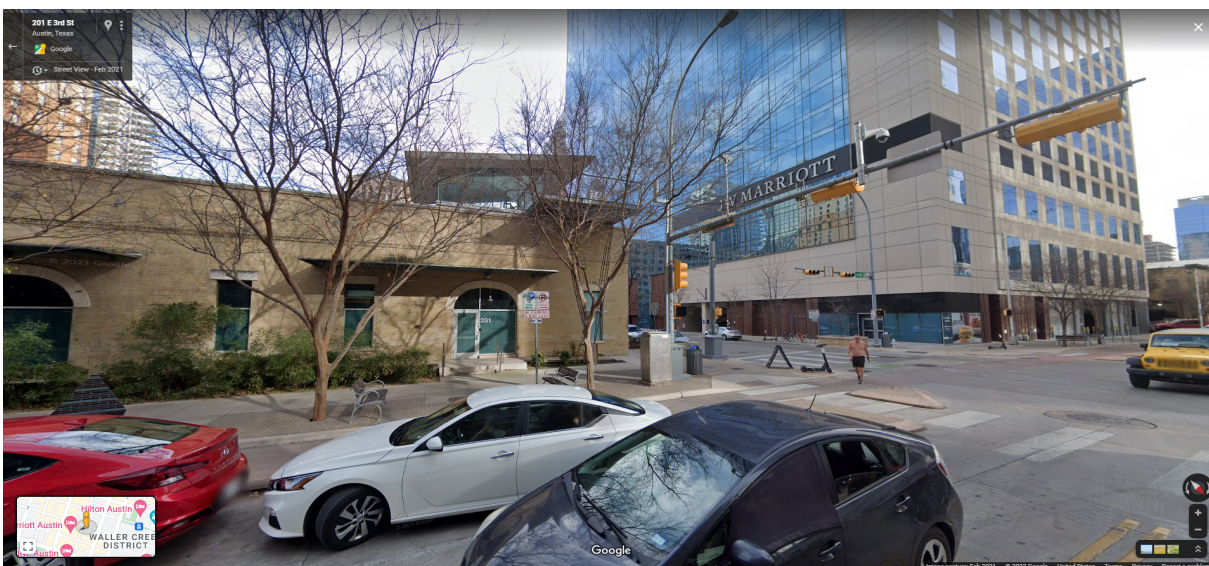
Uber Technologies, Inc. ("Uber")

7. Uber is a Delaware corporation with its headquarters located at 1515 3rd St., San Francisco, California, 94158.
8. To determine whether Uber had any offices or other physical business facilities in the Western District of Texas as of the Complaint Date, I examined our records showing real estate properties that Uber owned, controlled, leased, possessed, or occupied as of the Complaint Date. I narrowed the records to properties within Texas, closely examined the locations of those properties, and compared those locations to the map of the Western District of Texas.
9. As of the Complaint Date, Uber did not own, control, lease, possess, or occupy any office or other physical facility for conducting business in the Western District of Texas. Since the Complaint Date to the present, Uber continues to not own, control, lease, possess, or occupy any office or other physical facility for conducting business in the Western District of Texas.

Third Street Austin Location

10. I understand that Fare Technologies alleges that Uber has “a regular and established place of business at Uber Insurance Services located at 201 E. Third Street, Austin, Texas 78701” (“Third Street Austin”). (Compl. ¶ 4.)
11. Uber Insurance Services is an insurance provider formed under the laws of Delaware. It is a subsidiary of Uber Insurance Holdings, which is a subsidiary of Uber Technologies, Inc. I refer to Uber Technologies, Inc. as “Uber” in this Declaration.
12. On March 30, 2017, Uber entered into an agreement with uShip, Inc. (“uShip”) by which Uber subleased from uShip the Third Street Austin building. The building was also known as “205 Brazos Street”; it sits at the intersection of Third Street and Brazos Street.
13. In approximately March-April 2020, when restrictions due to the COVID-19 pandemic took effect, Uber ceased in-person work at Third Street Austin.
14. On November 20, 2020, Uber completed its decommissioning of Third Street Austin. That is, by that time, Uber had fulfilled all of its obligations under its sublease, returned any keys or access devices for the building that were in its possession, and was released of any further responsibility relating to Third Street Austin. Exhibit 2 to this Declaration is a copy of Uber’s letter confirming Uber’s turnover of Third Street Austin back to uShip, agreed and acknowledged by uShip.
15. On November 30, 2020, Uber’s sublease for Third Street Austin formally expired.
16. Upon expiry of its sublease, Uber no longer had any relationship to Third Street Austin.

17. As illustrated by the following Street View images from Google Maps¹, it appears that, sometime in 2021, the owner of Third Street Austin demolished the building:



Third Street Austin street view as of February 2021



Third Street Austin street view as of January 2022

* * *

¹ See <https://goo.gl/maps/8iozaPEzJqmxETkx9> (Feb. 2021);
<https://goo.gl/maps/dZumXvAqFMJkHhnQ9> (Jan. 2022).

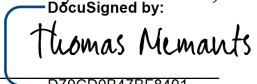
18. The replacement of the Third Street Austin building with a new residential building was publicly announced and reported in the press.
19. For example, in December 2019, the Austin Business Journal reported that the owner of the Third Street Austin property submitted plans to the Austin Historic Landmark Commission to replace the Third Street Austin building with a 40+-story apartment tower. Exhibit 3, E. Edgemon, *Another Downtown Austin Warehouse Could be Demolished for New Tower*, Austin Business Journal (December 19, 2019).
20. In January 2020, it was reported that the Austin Historic Landmark Commission approved demolition of the Third Street Austin building. Exhibit 4, J. Ramin, *At Third and Brazos, An Apartment Tower Plan Respects Its Elders*, TOWERS (Jan. 28, 2020).
21. On June 22, 2020, the developer of the apartment tower provided a presentation to the City of Austin Design Commission detailing plans for the new apartment tower. Exhibit 5, The Hanover Company, *Hanover Brazos Street*, June 22, 2020.
22. In March 2021, it was reported that demolition of the Third Street Austin building was underway. Exhibit 6, J. Ramin, *Demolition Underway at Hanover Brazos Street Tower Site in Downtown Austin*, TOWERS (March 12, 2021).

* * *

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Executed on this 31 day in May, 2022, in Chicago, IL.

Respectfully submitted,
DocuSigned by:


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Thomas Niemants